

RESPONSE UNDER 37 C.F.R. § 1.111  
USSN: 09/593,158

**REMARKS**

Claims 1-7 are all the claims pending in the application.

**PRIOR ART REJECTIONS**

The Examiner has rejected claims 1, 4 and 5 under 35 U.S.C. § 102(e) as being anticipated by Trompower et al. Applicant traverses these rejections because Trompower et al. fails to disclose or suggest all of the claim limitations. Specifically, Trompower et al. fails to disclose at least the following limitations:

**Claim 1:**

an *input means for inputting said data transmission rate*;

a communication rate regulating means for *regulating said data transmission rate, on the basis of said residual amount of battery power*.

**Claim 4:**

a plurality of mobile terminals for requesting said call services, by *deciding each transmission data rate* of an upward signal toward said base station, *on the basis of each residual battery power* and each transmission power of a downward signal from said base station.

**Claim 5:**

detecting a residual amount of battery power of said mobile terminal, when *said data transmission rate is inputted into said mobile terminal*;

*regulating said data transmission rate, on the basis of said residual amount of battery power*;

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The Examiner asserts that Trompower discloses an input means for inputting a data transmission rate and cites col. 12, lines 37-40, 60-62 for support. However, neither of the passages discloses or suggests a mobile terminal that has an input means for inputting a data transmission rate. The passages are shown below:

The mobile terminals 230 are each capable of dynamically modifying their data transmission parameters in accordance with the invention as is described more fully below.

each mobile terminal 230 has an adjustable cell size as is representatively indicated by cells 242, 244, and 246 (corresponding to fast, mid, and slow data transmission rate, respectively) as illustrated with respect to mobile terminal 230a.

Rather than disclosing an input means for inputting a data transmission rate, Trompower et al. discloses that the mobile terminal is capable of dynamically modifying data transmission parameters. The mobile terminal does this on its own, there is no input of a transmission rate to the mobile terminal.

Next, the Examiner asserts that Trompower discloses regulating said data transmission rate, on the basis of said residual amount of battery power, and cites col. 7, lines 4-7 for support. However, this passage does not disclose or suggest the claim limitation. The passage is shown below:

Conversely, if the battery of a mobile terminal is running low, the present invention may select a lower power level to transmit the PN coded signal in order to conserve the battery's energy.

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This portion of Trompower relates to changing transmission *power*, not the claimed transmission *rate*. The adjustment of power levels is explained in more detail in col. 20, lines 47-62. There is no discussion of adjusting transmission rates based on power levels. That is, Trompower et al. disclose that when the voltage (the power level) of power supply 332 is low, transmit power level is reduced by reducing the gain of amplifier 327.

The Examiner has rejected claims 2 and 6 under 35 U.S.C. § 102(e) as being unpatentable over Trompower et al. in view of Hayashi. Applicant traverses these rejections because the cited references fail to disclose or suggest all of the claim limitations. These claims depend from claims 1 and 5, respectively. Therefore, they should be allowable at least based on their dependence from claims 1 and 5 for the same reasons described above. In addition, Applicant incorporates by reference the arguments relating to Hayashi in the Response filed on October 30, 2003.

The Examiner has rejected claims 3 and 7 under 35 U.S.C. § 102(e) as being unpatentable over Trompower et al. in view of Hayashi and Tiedemann, Jr. et al. Applicant traverses these rejections because the cited references fail to disclose or suggest all of the claim limitations. These claims depend from claims 1/2 and 5/6, respectively. Therefore, they should be allowable at least based on their dependence from claims 1 and 5 for the same reasons described above. In addition, Applicant incorporates by reference the arguments relating to Hayashi and Tiedemann, Jr. et al. in the Response filed on October 30, 2003.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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**23373**

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